

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS**

EX PARTE BROSNAN

Application for Patent

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Application No. 09/595,798

FOR:

USING A GAMING MACHINE AS A SERVER

APPEAL BRIEF

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TABLE OF CONTENTS

	<u>Page No.</u>
I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES	1
III. STATUS OF CLAIMS	1
IV. STATUS OF AMENDMENTS	1
V. SUMMARY OF CLAIMED SUBJECT MATTER	2
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	10
VII. ARGUMENT	10
A) The rejection of claims 27, 28, 38-42, 44-53 and 55-56 under 35 U.S.C. §102(e)	10
B) The rejection of claims 43 and 54 under 35 U.S.C. § 103(a)	17
C) Conclusion	17
VIII. CLAIMS APPENDIX	18
IX. EVIDENCE APPENDIX	25
X. RELATED PROCEEDINGS APPENDIX	26

I. REAL PARTY IN INTEREST

The real party in interest is IGT, the assignee of the present application, having an address at 9295 Prototype Drive, Reno, Nevada 89521.

II. RELATED APPEALS AND INTERFERENCES

The undersigned is not aware of any related appeals and/or interferences.

III. STATUS OF CLAIMS

There are a total of 20 claims pending in this application, namely claims 27, 28, 38-56. No claims have been allowed. Claims 27 and 46 are independent. Claims 28, 38-45 depend directly or indirectly from independent claim 1, while claims 47-56 depend directly or indirectly from independent claim 40. Claims 1-26 and 29-37 have been canceled during prosecution.

Claims 27, 28, 38-42 and 44-53 and 55-56 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,913,531 to Yoseloff. ("Yoseloff").

Claims 43 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,913,531 to Yoseloff ("Yoseloff") in view of U.S. 6,306,035 to Kelly, et al ("Kelly").

All rejections of all claims are appealed in this brief.

IV. STATUS OF AMENDMENTS

The final rejection of March 14, 2007 was in response to amendments received January 3, 2007 as indicated in the final rejection. The claims attached in the Claims Appendix and argued for herein reflect the claims submitted January 3, 2007, which are shown in PAIR.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention relates to game playing methods for gaming machines such as slot machines and video poker machines. More particularly, the present invention relates to hardware and methods for allowing gaming machines to provide gaming information services in a network of gaming machines. Further, apparatus and method are described pertaining to a gaming machine that provides a wager-based game of chance operable to download coding instructions to another gaming machine that provides a wager-based game of chance.

Game downloading is described on page 6:23-32 of the specification as filed, which recites,

Another aspect of the present invention provides a method for providing game serving to a group of gaming machines connected in a network using a gaming machine having a master gaming controller and a game server. The method may be characterized as including the following steps 1) displaying a list of games on a first gaming machine, 2) receiving a game selection signal for a game selection on the first gaming machine and 3) transmitting the game selection signal to a second gaming machine and 4) downloading coding instructions for the game selection to the first gaming machine from a game server on the second gaming machine wherein the coding instructions allow the master gaming controller on the first gaming machine to present the game selection to a player.

Details of providing a game server on a gaming machine, which allows game downloading, are further described with respect to FIG. 2 and page 20:1-21:2, as follows, (Also, see FIG. 6 and associated description, pages 29:12-30:8), which shows to gaming machines, 600 and 602, linked together, where 600 acts as a game server to 602).

As mentioned, the server 218 may also provide game serving. With game serving, the code containing the instructions used by a gaming machine to provide game play for a particular game is stored on the game server 218. A gaming machine may have the capability to provide game play for a number of games. For example, one video slot machine including 240, 256, 258, 260, 262, 264, and 266 may have the capability to present 5 different types of video slot games. Using the game server 218, the coding instructions for the slot games as well as the gaming machine configuration information may be stored on the game server 218. To change a game on any of the gaming machines, a machine operator may send instructions to the game server 218 to download a new game and game configuration

information to one or more gaming machines. After downloading the new game and the gaming configuration information from the game server to the gaming machine, the gaming machine provides the game play for the selected game. An advantage of using a game server, including 218, is reduced maintenance time to update games on a gaming machine. For example, when a master game copy is updated on the game server, the gaming machines connected to the game server with game serving may automatically download the updated version. In the past, the games on the gaming machine have been updated manually for each gaming machine, which is a time consuming process.

In some implementations of game serving on a game server, a player playing a game on a gaming machine may be able to select a particular game for game play from a list of games. For example, a player playing a game on gaming machine 248 may select a game from a game list displayed on the video display 252 using the inputs 254. The video display 252 may display a name of the game, a pay table, a game sequence or other information for each game on the list. A signal with the game requested by the player is sent to the game server 218 where the coding instructions that enable a gaming machine to present the selected game are stored. The game server 218 downloads the requested game instructions to the gaming machine 248 from the master copy stored on the game server enabling the gaming machine “B” to provide the selected game play to the player. For implementing game serving as a gaming service, one requirement may be a fast download speed. Thus, a high bandwidth connection between the game server and the gaming machine is needed. For example, the group “A” network 201 may use a fiber optic connection scheme to provide the information transfer rate needed to utilize the game server 218 as a host for game serving (pages 20:1-21:2).

A description of gaming machines providing wager-based games and their general game playing capabilities is described with respect to FIG. 1 and pages 8:5-10:7, excerpts from these pages is repeated as follows,

Turning first to FIG 1, a video gaming machine 2 suitable for hosting a server of the present invention is shown. Machine 2 includes a main cabinet 4, which generally surrounds the machine interior (not shown) and is viewable by users. The main cabinet includes a main door 8 on the front of the machine, which opens to provide access to the interior of the machine. Typically, the main door 8 and/or any other portals which provide access to the interior of the machine utilize a locking mechanism of some sort as a security feature to limit

access to the interior of the gaming machine. Attached to the main door are player-input switches or buttons 32, a coin acceptor 28, and a bill validator 30, a coin tray 38, a belly glass 40, and a monitor mask 42. Viewable through the main door is a video display monitor 34 and an information panel 36. (Page 8:7-16)

During the course of a game, a player may be required to make a number of decisions, which affect the outcome of the game. For example, a player may vary his or her wager on a particular game or make game decisions which affect the outcome of a particular game. The player may make these choices using the player-input switches 32, the video display screen 34 or using some other device which enables a player to input information into the gaming machine. (Page 9:25-30).

Independent claim 27

Claim 27 describes a method for providing game downloading in a gaming system.
Claim 1 recites,

providing a first gaming machine ((**FIG. 2, reference items 240, 256, 258, 260, 262, 264 or 266, specification 20:1-18**) comprising i) a first housing (**FIG. 1, reference item 4 or FIG. 6, reference item 608**) ; ii) a first master gaming controller coupled to the housing designed or configured to control a first game selected from a list of games displayed on the first gaming machine (**FIG. 6, reference items 624 or 634, specification page 20:19-27**) ; iii) one or more displays coupled to the first housing for displaying the first game controlled by the first master gaming controller or the list of games (**FIG. 2, reference items 244 or 252, or FIG. 1, reference items 34 or 40, specification 20:23-24**); iv) one or more first input devices coupled to the housing for accepting cash or indicia of credit wherein the cash or the indicia of credit are for making wagers on the first game played on the first gaming machine (**FIG. 1, reference items 24, 28 or 30, FIG. 2, reference items 246 or 254, specification page 9, 17-24**); v) a first communication interface connected to a network for communication with at least a second gaming machine (**FIG. 6, reference items 610 or 616**), vi) a first memory for storing executable coding instructions downloaded from the second gaming machine (**FIG. 6, reference items 622 or 632**); and vii) a first output device coupled to the first housing for outputting the cash or the indicia of credit (**FIG. 1, reference items 38 or 18**);

providing the second gaming machine (**FIG. 2, reference items 240, 256, 258, 260, 262, 264 or 266, specification 20:1-18**) comprising i) a second housing (**Fig. 1, reference item 4 or FIG. 6, reference item 608**); ii) a second master gaming controller coupled to the housing designed or configured to control a second game played on the second gaming machine (**FIG. 6, reference items 624 or 634**); iii) a second display coupled to the housing for displaying the second game controlled by the second master gaming controller (**FIG. 2, reference items 244 or 252, or FIG. 1, reference items 34 or 40, specification 20:23-24**); iv) one or more second input devices coupled to the second housing for accepting the cash or the indicia of credit wherein the cash or the indicia of credit are for making wagers on an outcome to the second game played on the second gaming machine (**FIG. 1, reference items 24, 28 or 30, FIG. 2, reference items 246 or 254, specification page 9, 17-24**); v) a second communication interface connected to the network for communicating with at least the first gaming machine (**FIG. 6, reference items 610 or 616**), vi) a second memory storing executable coding instructions for the first game (**FIG. 2, reference item 218 or FIG. 6, reference items, 622, 630, 632 or 636**); and vii) a second output device coupled to the second housing for outputting the cash or the indicia of credit wherein the second gaming machine is operable to output an award associated with the outcome as the cash or the indicia of credit (**FIG. 1, reference items 38 or 18**);

displaying the list of games on the first gaming machine wherein a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine and wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome (**specification 20:19-21:2**);

receiving a game selection signal for the first game in the list of games displayed on the first gaming machine (**specification 20:19-21:2**);

in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine(**specification 20:19-21:2**);

receiving the executable coding instructions for the first game from the second gaming machine via the network (**specification 20:19-21:2**);

storing the executable coding instructions for the first game to the first memory(**specification 20:19-21:2**);

receiving a wager on the first outcome of the first game on the first gaming machine(**specification 20:19-21:2, specification 9:25-32**);

loading the executable coding instructions for the first game received from the second gaming machine for execution on the first gaming machine(**specification 20:19-21:2, specification 29:12-24**) ;

executing the executable coding instructions for the first game on the first gaming machine to generate the first outcome for the first game (**specification 20:19-21:2, specification 29:12-24**);

displaying the first outcome for the first game on the one or more displays (**specification 9:25-10:8**); and

outputting via the first output device an award associated with the first outcome as the cash or the indicia of credit (**specification 10:4-7**).

Independent claim 46

Claim 46 describes a gaming system comprising gaming machines where game downloading may occur between the gaming machines. The claim recites,

a first gaming machine (**FIG. 2, reference items 240, 256, 258, 260, 262, 264 or 266, specification 20:1-18**), said first gaming machine comprising:

a first housing (**Fig. 1, reference item 4 or FIG. 6, reference item 608**);

a first master gaming controller (**FIG. 6, reference items 624 or 634, specification page 20:19-27**)coupled to the first housing designed or configured a) to control a first game played on the first gaming machine wherein the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least a first game in the list games is only enabled after a download of executable coding instructions for the first game from a second gaming machine wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome(**specification 20:19-21:2**), b) to receive a first wager on the first game (**specification 20:19-21:2, specification 9:25-32**), c) to generate the first outcome for the first

game(**specification 20:19-21:2, specification 29:12-24**), d) to display a first presentation of the first outcome(**specification 9:25-10:8**); e) to display the list of games available for play on the first gaming machine(**specification 20:1-21:2**); f) to receive an input signal for selecting the first game from the displayed list of games(**specification 20:19-21:2**); g) in response to receiving the input signal for selecting the first game, to initiate communications that allow the first gaming machine to receive from the second gaming machine the executable coding instructions for generating the first game(**specification 20:19-21:2**); i) to load and execute the executable coding instructions received from the second gaming machine to generate the first presentation of the first outcome on the first gaming machine (**specification 20:19-21:2, specification 29:12-24**);

one or more displays coupled to the first housing for displaying the list of games and the first presentation of the first outcome(**FIG. 2, reference items 244 or 252, or FIG. 1, reference items 34 or 40, specification 20:23-24**);

one or more input devices for accepting cash or indicia of credit for the first wager (**FIG. 1, reference items 24, 28 or 30, FIG. 2, reference items 246 or 254, specification page 9, 17-24**);

a first output device coupled to the first housing for outputting the cash or the indicia of credit wherein the first gaming machine is operable to output a first award associated with the first outcome as the cash or the indicia of credit (**FIG. 1, reference items 38 or 18, specification 10:4-7**);

a first communication interface for communicating with the second gaming machine (**FIG. 6, reference items 610 or 616**) via a network (**FIG. 6, reference item 614**);

a first memory storing the executable coding instructions received from the second gaming machine (**FIG. 6, reference items 622 or 632**);

the second gaming machine (**FIG. 2, reference items 240, 256, 258, 260, 262, 264 or 266, specification 20:1-18**), said second gaming machine comprising:

a second housing (**Fig. 1, reference item 4 or FIG. 6, reference item 608**);

a second master gaming controller coupled to the second housing designed or configured a) to control a game played on the second gaming machine; b) to receive a second wager on the game, c) to generate an outcome for the game, d) to display a presentation of the outcome; e) to send the executable coding instructions for the first game to the first gaming machine (**FIG. 6, reference item 624 or 634, specification page 20:19-27, specification 9:25-10:8**);

a second display coupled to the second housing for displaying the presentation of the outcome (**FIG. 2, reference items 244 or 252, or FIG. 1, reference items 34 or 40, specification 20:23-24**);

a second input device coupled to the second housing for accepting the cash or the indicia of credit for the second wager (**FIG. 1, reference items 24, 28 or 30**);

a second output device coupled to the second housing for outputting the cash or the indicia of credit wherein the second gaming machine is operable to output an award associated with the outcome as the cash or the indicia of credit (**FIG. 1, reference items 38 or 18**);

a second communication interface for communicating with the first gaming machine (**FIG. 6, reference items 610 or 616**) via the network (**FIG. 6, reference item 614**);

a second memory for storing the executable coding instructions for at least the first game (**FIG. 2, reference item 218 or FIG. 6, reference items, 622, 630, 632 or 636**); and
the network (**FIG. 6, reference item 614**) for allowing the first and the second gaming machine to communicate and to transmit the executable coding instructions.

Dependent Claim 42:

The method of claim 27, further comprising, receiving, at the first gaming machine from the second gaming machine, game software settings for the executable coding instructions and executing the the executable coding instructions using the game software settings. (**Specification Page 6:1-8, Page 19:14-20:17**)

Dependent Claim 43:

The method of claim 27, wherein the game software settings include settings for a game jurisdiction where the first gaming machine is located.

(Specification Page 19:14-19:33)

Dependent Claim 44:

The method of claim 27, further comprising, receiving, at the first gaming machine from the second gaming machine, hardware settings for one or more gaming devices on the first gaming machine and reconfiguring the one or more gaming devices on the first gaming machine using the hardware settings. **(Specification Page 19:14-19:33)**

Dependent Claim 53:

The gaming system of claim 46, further comprising, receiving, at the first gaming machine from the second gaming machine, game software settings for the executable coding instructions and executing the executable coding instructions using the game software settings. **(Specification Page 6:1-8, Page 19:14-20:17)**

Dependent Claim 54:

The gaming system of claim 53, wherein the game software settings include settings for a game jurisdiction where the first gaming machine is located. **(Specification Page 19:14-19:33)**

Dependent Claim 55:

The gaming system of claim 46, further comprising, receiving, at the first gaming machine from the second gaming machine, hardware settings for one or more gaming devices on the first gaming machine and reconfiguring the one or more gaming devices on the first gaming machine using the hardware settings. **(Specification Page 19:14-19:33)**

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Claims 27, 28, 38-42 and 44-53 and 55-56 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,913,531 to Yoseloff. (“Yoseloff”).

(B) Claims 43 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,913,531 to Yoseloff (“Yoseloff”) in view of U.S. 6,306,035 to Kelly, et al (“Kelly”).

VII. ARGUMENT

A) The rejection of claims 27, 28, 38-42 and 44-53 and 55-56 under 35 U.S.C. §102(e)

1. Independent claims 27 and 46

Claims 1 and 46 pertain to at least two gaming machines, a first gaming machine and a second gaming machine that provide are operable to communicate with one another via network.

As recited in the pending claims, the first gaming machine comprises “a first master gaming controller coupled to the housing designed or configured to control a first game selected from a list of games displayed on the first gaming machine,” “one or more first input devices coupled to the housing for accepting cash or indicia of credit wherein the cash or the indicia of credit are for making wagers on the first game played on the first gaming machine,” “a first output device coupled to the first housing for outputting the cash or the indicia of credit.” The first master gaming controller is operable “to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome.” Further, “a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine” via the network where “the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome.”

The second gaming machine comprises “a second master gaming controller coupled to the housing designed or configured to control a second game played on the second gaming machine,” “one or more second input devices coupled to the second housing for accepting the cash or the indicia of credit wherein the cash or the indicia of credit are for making wagers on

an outcome to the second game played on the second gaming machine,” and “a second output device coupled to the second housing for outputting the cash or the indicia of credit wherein the second gaming machine is operable to output an award associated with the outcome as the cash or the indicia of credit.” Further, the second gaming machine comprises “a second memory storing executable coding instructions for the first game.” The second gaming machine is operable to transfer “executable coding instructions for the first game to the second gaming machine.”

1a) The Conventional PC's of Yoseloff are not Anticipatory to the Gaming Machines Recited in the Pending Claims

Yoseloff doesn't teach two gaming machine with the game outcome determination, wagering and money handling characteristics described in the previous two paragraphs that communicate with one another. In a casino type gaming machines, such as the first gaming machine and the second gaming machine in the pending the claims, the master gaming controller is operable to perform calculations, such as determining a game outcome in response to a wager that can result in cash or an indicia of credit redeemable for cash that are redeemable for cash to be dispensed from the gaming machine. Since these machines dispense cash or an indicia of credit for which an owner/operator is responsible, the machines are typically located in a secure environment, such as a casino and include many security features for preventing theft.

Yoseloff teaches rules for a poker game. Being a game, it can be played as a casino table game, a network game, computer game or video game (Abstract). Therefore, Yoseloff describes many different computer platforms on which the game might be played. Although casino type gaming is described in the reference, most of the gaming platforms described in Yoseloff are devices, such as home computers with an Internet connection, that don't include the game outcome determination, wagering and money handling characteristics described in the pending claims. These types of devices are described as platforms that allow the game described in Yoseloff to be played but would not be interpreted by one of skill in the gaming arts as anticipatory of the gaming machines described in the pending claims.

In further detail, Yoseloff describes a conventional personal computer, home computer, as a first platform for playing a game in 10:43-12:52 that is Internet enabled. The first gaming platform, the personal computer, includes a touchpad, a button panel, touch screen surface, light wand surface, joystick and/or Keyboard and an input or pointing device,

as a mouse (Col. 11:22-25). One of skill of the art would not see the first gaming platform as anticipating the gaming machines as described in the pending claims because personal computer located in a user's home doesn't provide the security features and security environment that allow game outcome determination that can result in cash being dispensed from the device to occur. Further, as recited in the pending claims the capability to accept cash or indicia of credit or to output cash or indicia of credit is not described with respect to the personal computer.

Next, Yoseloff, with respect to FIG. 1, and Cols. 12: 47-14:54, describes a second gaming platform that is clearly different from a personal computer. For instance, the second gaming platform in FIG. 1, has a cashout button 8, hold/discard buttons 12, 14, 16, 18 and 20 and a currency coin/slot acceptor 22, deal/draw button 24 and a maximum bet button (Col. 12: 58-64). This device may be related to a casino type gaming machine but the capability to output cash or indicia of credit is not described with respect to this second gaming platform. Further, details of the inner workings of this device and its connectivity to other devices is not described other than that pay table (Col. 13:18-19) is a computer lookup table.

Examiner in their rejection of claims 27 and 46 in the final rejection of 3/14/07 mixes teachings regarding the first gaming platform (personal computer described in Cols. 10:43-12:52) and second gaming platform (Fig. 1 and Col. 12:58-64) as though they were the same device. For instance, in the description of the limitation "one or more first input devices coupled to the housing for accepting cash or indicia of credit," Examiner applies the capability to accept currency attributed to the second gaming platform as a feature of the first gaming platform even though Yoseloff provides no indication that a home computer would have such a capability nor would it make sense to have a home computer with the ability to accept currency.

As describe above, Applicant doesn't believe that the first gaming platform or the second gaming platform are described as including the capability to output cash or indicia of credit. Examiner (Action of 3/14/07) says "a first output device coupled to the first housing for outputting cash or the indicia of credit," is taught or suggested with respect to 13:56-59, 7:57-61 or 8:10-20. The citations 13:56-59 and 7:57-61 don't describe output devices but rules for the game. The citation 8:10-20 refers video, computer, network or electromechanical reel slot machines, which are each different platforms. An output device is not explicitly recited. Reel slot machines typically output tokens. Again, Examiner appears to mixing and matching features from multiple gaming platforms as though they were a single device. Nevertheless, a reel slot machine is a different platform from the home computer that

Examiner is using for most of his rejection and Yoseloff provides no indication that his home computer would output, cash or indicia of credit, such as tokens of any kind. Thus, the home computer in Yoseloff can't be said to anticipate the gaming machines, in particular, the first and second gaming machines, described in the pending claims.

1b) Network Server Architecture of Yoseloff Is Not Anticipatory of Communications between Two Gaming Machines as recited in the Pending Claims

Examiner states (Action of 3/14/07), *“Yoseloff teaches that a second gaming machine is substantially the same or exactly the same as the first device 11:44-46. The second in one embodiment is described as a “peer” device in 11:43.”* Yoseloff, 11:40-46, recites,

The personal computer may operate in a networked environment using logical connections to one or more remote programmable devices, such as a remote computer. The remote computer may be a server, a router, a peer device, or other common network node. Typically, the remote computer includes many or all of the elements described relative to the personal computer.

Applicant respectfully submits that one of skill of the art would not interpret the communications between a personal computer linked to a network-server where the network server may have characteristics of a personal computer as the same as the communication between two gaming machines with the game outcome determination, wagering and money handling characteristics described in the pending claims. In the recited claims, both the first gaming machine and the second gaming machine provide game outcome determination and money-handling capabilities. The operator of the gaming machines is financially liable for the monetary awards generated on these machines. As described above, the conventional personal computer described in 10:43-12:52 of Yoseloff doesn't have the game outcome and money-handling capabilities described in the pending the claims in regards to the first and second gaming machines. Thus, if the term “peer” device in reference to the remote computer described in Yoseloff is interpreted as being a device that is substantially the same as the conventional personal computer, as suggested by the Examiner, then the device would not anticipate the pending claims. Further, there is simply no way that a gaming operator would allow a personal computer of one user to provide software to the personal computer of

another user where the software could generate game outcomes and awards for which the operator was financially liable.

1c) Limitations not Considered by Examiner

Applicant respectfully submits that Examiner hasn't pointed out where all the limitations of the pending claims are taught in Yoseloff. For example, Applicant doesn't believe Yoseloff teaches, as recited in the pending claims,

“wherein the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least a first game in the list games is only enabled after a download of executable coding instructions for the first game from a second gaming machine wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome,” or

“displaying the list of games on the first gaming machine wherein a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine and wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome.” Further, it is not clear to Applicant where the Examiner believes Yoseloff teaches these limitations.

In general, Applicant believes the Examiner may have reached erroneous conclusions in regards to the teachings of Yoseloff with respect to the limitations including “a list of games.” These limitation include the two limitations recited in the previous paragraph, and the limitations recited in the pending claims as, 1) “a first master gaming controller coupled to the housing designed or configured to control a first game selected from a list of games displayed on the first gaming machine,” 2) “one or more displays coupled to the first housing for displaying the list of games and the first presentation of the first outcome,” 3) “displaying the list of games on the first gaming machine wherein a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine” or 4) “receiving a game selection signal for the first game in the list of games displayed on the first gaming machine.”

Examiner states (3/14/07),

Yoseloff teaches that gaming devices may obtain the program modules by downloading them from a network, such as the Internet, in 11:5-17.

Yoseloff teaches that downloading may be associated with a manual operation performed by a human operator (see at least 9:51-59). The recitation of “downloading” one or more program module is selected for transfer by a user, at which point a signal indicating the selection is sent to a second gaming device to begin the information transfer. Yoseloff does not use the term “list” of programs, but allows for multiple program modules to be downloaded under the control of the player. Therefore a list of program modules is inherently present in Yoseloff’s system in order to allow the user of Yoseloff’s gaming device to select a program module for download.

Applicant respectfully submits Examiner appears to have ignored the claim language of the pending claims in their rejection. The claims recite “a list of games” not a “list of programs.” Thus, Examiner never points out where the four limitations above that include “list of games” are taught or suggested in Yoseloff. In more detail,

From the citations provided by the Examiner, Applicant doesn’t see how one would conclude that Yoseloff anticipates the limitations pertaining to a “list of games” recited in the previous paragraphs. In 11:5-17, Yoseloff describes,

“a network browsing module is also a tool capable of using downloadable program modules, such as the puzzle control modules, in order to direct operations of the personal computer.”

In this recitation, Yoseloff is simply indicating that a network browser, such as Internet Explorer, can use downloadable program modules. Further, Yoseloff’s invention is the rules for a single game and Yoseloff’s description focuses on that game. For instance, in 12:47-52, Yoseloff recites, “the following description, in conjunction with a view of FIG. 1, will be provided as a detailed description of the play of **a single hand of the game of the invention**, executed on a video gaming apparatus with hardware and software enabling the game [Emphasis added by Applicant].” Thus, Applicant doesn’t see where the teaching in Yoseloff cited by the Examiner, describe, as recited in claim 27,

“receiving a game selection signal for the first game in the list of games displayed on the first gaming machine;

in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine;

receiving the executable coding instructions for the first game from the second gaming machine via the network.”

Therefore, for at least these reasons, Applicant respectfully submits, Yoseloff can’t be said to anticipate independent claims 27 and 46.

2. Dependent claims 42 and 53

Claim 53 recites, “receiving, at the first gaming machine from the second gaming machine, game software settings for the executable coding instructions and executing the executable coding instructions using the game software settings.”

Examiner states, “as described in 10:27-30, Yoseloff teaches that program modules code, applets, routines, programs, components, objects and data structures, which anticipates the claimed software settings for the executable coding instructions.”

Yoseloff 10:27-30, recites, “Generally, program modules include code, applets, routines, programs, components, objects, data structures, etc., that perform particular tasks or implement particular abstract data types.

Applicant agrees that on a personal computer that this statement is true but doesn’t see how this anticipates the limitation described with respect to claims 42 and 53 as a general description of code structure doesn’t anticipate the steps recited in the limitation.

Thus, for at least this reason, and the reasons cited above, Yoseloff can’t be said to anticipate dependent claims 42 and 53.

3. Dependent claims 44 and 55

Claim 44 recites, “further comprising, receiving, at the first gaming machine from the second gaming machine, hardware settings for one or more gaming devices on the first gaming machine and reconfiguring the one or more gaming devices on the first gaming machine using the hardware settings.”

Examiner says, “Yoseloff teaches that the program modules may contain various code segments that carry out the basic functions of the gaming system, indicating that one or more of the above are analogous to hardware settings. Further, support comes from in 12:12-15, which states that the game control module within the video gaming apparatus is embodied in software, hardware, or combinations of both, indicating that in some embodiments the software settings and hardware settings are one in the same.”

Yoseloff 12:12-15, recites, “One embodiment of the present invention is embodied in the game control module within the video gaming apparatus as software, hardware, or combination of software and hardware.”

Applicant doesn’t see where a description that the game control module is embodied in hardware/software or that a program comprises a list of code segments teaches that the first gaming machine receives from the second gaming machine hardware settings and the one or more gaming devices are reconfigured on the first gaming machine using the hardware settings.

Thus, for at least this reason, and the reasons cited above, Yoseloff can’t be said to anticipate dependent claims 44 and 55.

B) The rejection of claims 43 and 54 under 35 USC § 103(a)

Claims 43 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,913,531 to Yoseloff (“Yoseloff”) in view of U.S. 6,306,035 to Kelly, et al (“Kelly”).

Claims 43 is dependent from claim 42 and claim 54 is dependent from claim 53. Each Claim pair recites similar limitations. For instance, Claims 53 and 54 recite,

53. The gaming system of claim 46, further comprising, receiving, at the first gaming machine from the second gaming machine, game software settings for the executable coding instructions and executing the executable coding instructions using the game software settings.

54. The gaming system of claim 53, wherein the game software settings include settings for a game jurisdiction where the first gaming machine is located.

Examiner states, “Yoseloff further teaches that gaming machines may be spread across multiple gaming jurisdictions (11:53-60). Yoseloff lacks in specifically disclosing that the software settings transmitted from one gaming machine to another relate to gaming jurisdictions. Kelly teaches identifying gaming machines in particular gaming jurisdictions and altering game settings according to the individual jurisdictions (see at least 12:56-13:22).

Yoseloff, 11:53-60, recites, “This type of format may be particularly desirable where there is related play, as among various similar devices, when associated in a bank of video

gaming equipment or when there is a coordinated jackpot function, with numerous video gaming systems engaged in potential jackpot play, within one bank of computers, within one casino, within multiple casinos, or within many different gaming jurisdictions.”

Kelly in 12:56-13:22 describes game servers located at different sites. The game servers can have settings specific to the site. A user may be access the different sites from a remote location. When it can be determined where the user is geographical located, then based upon jurisdictional laws where the user is located certain games may be excluded or game setting may be changed on the game server to comply with the jurisdiction in which the user is located.

As described, as described above, with respect to claims 42 and 53, Yoseloff doesn’t teach transferring game software settings from a first gaming machine to a second gaming machine as recited in the pending claims. Kelly teaches game servers on which a player can play a game where the game server can adjust game settings depending on where a user is physically located. Kelly doesn’t teach transferring game settings between game servers or as described in the pending claims game software setting from a first gaming machine to a second gaming machine. Therefore, for at least this reason, the combination of Yoseloff and Kelly can’t be said to render obvious claims 43 and 54.

D) Conclusion

In view of the forgoing, it is respectfully submitted that none of the pending claims are anticipated or reasonably suggested by Yoseloff or Kelly, either alone or in combination, and that the rejections of the pending claims in the Final Office Action under are therefore erroneous. Accordingly, it is respectfully requested that the pending rejections of all claims be reversed.

Respectfully Submitted,
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VIII. CLAIMS APPENDIX

CLAIMS ON APPEAL

1.-26. (Cancelled)

27. (Previously Presented) A method for providing game downloading in a gaming system, the method comprising,

providing a first gaming machine comprising i) a first housing; ii) a first master gaming controller coupled to the housing designed or configured to control a first game selected from a list of games displayed on the first gaming machine; iii) one or more displays coupled to the first housing for displaying the first game controlled by the first master gaming controller or the list of games; iv) one or more first input devices coupled to the housing for accepting cash or indicia of credit wherein the cash or the indicia of credit are for making wagers on the first game played on the first gaming machine; v) a first communication interface connected to a network for communication with at least a second gaming machine, vi) a first memory for storing executable coding instructions downloaded from the second gaming machine; and vii) a first output device coupled to the first housing for outputting the cash or the indicia of credit;

providing the second gaming machine comprising i) a second housing; ii) a second master gaming controller coupled to the housing designed or configured to control a second game played on the second gaming machine; iii) a second display coupled to the housing for displaying the second game controlled by the second master gaming controller; iv) one or more second input devices coupled to the second housing for accepting the cash or the indicia of credit wherein the cash or the indicia of credit are for making wagers on an outcome to the second game played on the second gaming machine; v) a second communication interface connected to the network for communicating with at least the first gaming machine, vi) a second memory storing executable coding instructions for the first game; and vii) a second output device coupled to the second housing for outputting the cash or the indicia of credit wherein the second gaming machine is operable to output an award associated with the outcome as the cash or the indicia of credit;

displaying the list of games on the first gaming machine wherein a play of at least the first game in the list of games is only enabled after a download of the executable coding instructions for the first game from the second gaming machine and wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome;

receiving a game selection signal for the first game in the list of games displayed on the first gaming machine;

in response to receiving the game selection signal for the first game, transmitting information requesting the download of the executable coding instructions for the first game to the second gaming machine;

receiving the executable coding instructions for the first game from the second gaming machine via the network;

storing the executable coding instructions for the first game to the first memory;

receiving a wager on the first outcome of the first game on the first gaming machine;

loading the executable coding instructions for the first game received from the second gaming machine for execution on the first gaming machine;

executing the executable coding instructions for the first game on the first gaming machine to generate the first outcome for the first game;

displaying the first outcome for the first game on the one or more displays; outputting via

the first output device an award associated with the first outcome as the cash or the indicia of credit.

28. (Previously Presented) The gaming machine of claim 27, wherein the first game is selected from the group consisting of card games, slot games, keno games, video pachinko games or lottery games.

29.-37. (Cancelled)

38. (Previously Presented) The method of claim 27, wherein the network comprises one or more wired or wireless connections.

39. (Previously Presented) The method of claim 38, wherein one of the wired connections is a fiber optic connection.

40. (Previously Presented) The method of claim 27, wherein the second game played on the second gaming machine is selected from the group consisting card games, slot games, keno games, video pachinko games or lottery games.

41. (Previously Presented) The method of claim 27, wherein the first game played on the first gaming machine or the second game played on the second gaming machine comprises a bonus game or a progressive game.

42. (Previously Presented) The method of claim 27, further comprising, receiving, at the first gaming machine from the second gaming machine, game software settings for the the executable coding instructions and executing the the executable coding instructions using the game software settings.

43. (Previously Presented) The method of claim 27, wherein the game software settings include settings for a game jurisdiction where the first gaming machine is located.

44. (Previously Presented) The method of claim 27, further comprising, receiving, at the first gaming machine from the second gaming machine, hardware settings for one or more gaming devices on the first gaming machine and reconfiguring the one or more gaming devices on the first gaming machine using the hardware settings.

45. (Previously Presented) The method of claim 27, wherein the network is part of a progressive game network, a casino area network or a bonus game network.

46. (Previously Presented) A gaming system comprising:
a first gaming machine, said first gaming machine comprising:
a first housing;
a first master gaming controller coupled to the first housing
designed or configured a) to control a first game played on the first gaming

machine wherein the first game is selected from a list of games displayed on the first gaming machine and wherein a play of at least a first game in the list of games is only enabled after a download of executable coding instructions for the first game from a second gaming machine wherein the executable coding instructions allow the first master gaming controller to determine a first outcome for the first game in response to inputs made at the first gaming machine by a player including a wager on the first outcome, b) to receive a first wager on the first game, c) to generate the first outcome for the first game, d) to display a first presentation of the first outcome; e) to display the list of games available for play on the first gaming machine; f) to receive an input signal for selecting the first game from the displayed list of games; g) in response to receiving the input signal for selecting the first game, to initiate communications that allow the first gaming machine to receive from the second gaming machine the executable coding instructions for generating the first game; i) to load and execute the executable coding instructions received from the second gaming machine to generate the first presentation of the first outcome on the first gaming machine;

one or more displays coupled to the first housing for displaying the list of games and the first presentation of the first outcome;

one or more input devices for accepting cash or indicia of credit for the first wager;

a first output device coupled to the first housing for outputting the cash or the indicia of credit wherein the first gaming machine is operable to output a first award associated with the first outcome as the cash or the indicia of credit;

a first communication interface for communicating with the second gaming machine via a network;

a first memory storing the executable coding instructions received from the second gaming machine;

the second gaming machine, said second gaming machine comprising:

a second housing;

a second master gaming controller coupled to the second housing designed or configured a) to control a game played on the second gaming machine; b) to receive a second wager on the game, c)

to generate an outcome for the game, d) to display a presentation of the outcome; e) to send the executable coding instructions for the first game to the first gaming machine;

a second display coupled to the second housing for displaying the presentation of the outcome;

a second input device coupled to the second housing for accepting the cash or the indicia of credit for the second wager;

a second output device coupled to the second housing for outputting the cash or the indicia of credit wherein the second gaming machine is operable to output an award associated with the outcome as the cash or the indicia of credit;

a second communication interface for communicating with the first gaming machine via the network;

a second memory for storing the executable coding instructions for at least the first game; and
the network for allowing the first and the second gaming machine to communicate and to transmit the executable coding instructions.

47. (Previously Presented) The gaming system of claim 46, wherein the first game is selected from the group consisting of card games, slot games, keno games, video pachinko games or lottery games.

48. (Previously Presented) The gaming system of claim 46, wherein the game is selected from the group consisting of card games, slot games, keno games, video pachinko games or lottery games.

49. (Previously Presented) The gaming system of claim 46, wherein the executable coding instructions for generating the game and the first game are identical.

50. (Previously Presented) The gaming system of claim 46, wherein the network comprises one or more wired or wireless connections.

51. (Previously Presented) The gaming system of claim 50, wherein one of the wired connections is a fiber optic connection.

52. (Previously Presented) The gaming system of claim 46, wherein the first game played on the first gaming machine or the game played on the second gaming machine comprise a bonus game or a progressive game.

53. (Previously Presented) The gaming system of claim 46, further comprising, receiving, at the first gaming machine from the second gaming machine, game software settings for the executable coding instructions and executing the executable coding instructions using the game software settings.

54. (Previously Presented) The gaming system of claim 53, wherein the game software settings include settings for a game jurisdiction where the first gaming machine is located.

55. (Previously Presented) The gaming system of claim 46, further comprising, receiving, at the first gaming machine from the second gaming machine, hardware settings for one or more gaming devices on the first gaming machine and reconfiguring the one or more gaming devices on the first gaming machine using the hardware settings.

56. (Previously Presented) The gaming system of claim 46, wherein the network is part of a progressive game network, a casino area network or a bonus game network.

IX. EVIDENCE APPENDIX

NONE

X. RELATED PROCEEDINGS APPENDIX

NONE